

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

RE: James Edward Mills  
Sarah Rebecca Mills

Case No. 16-14011

Southern Bancorp Bank

Plaintiff

Vs

17-01008

James Edward Mills and  
Sarah Rebecca Mills

Defendants

**MOTION TO EXTEND TIME**

COME NOW the Defendants, by and through the undersigned attorney, and file this Motion to Extend Time and for cause would show to this Honorable Court that the Defendants motions the Court to extend the time to file answer and counterclaim and would show the following:

1. The Plaintiff Southern Bancorp Bank filed a complaint to determine the dischargeability of a debt and deny discharge on or about 3/7/2017.

2. The Plaintiff Southern Bancorp Bank filed an amended complaint to determine the dischargeability of a debt and deny discharge on or about 3/29/17.

3. The complaint to determine the dischargeability of a debt and deny discharge relates to certain loans by the Defendants with the Plaintiff.

4 The Defendants need additional time and would show the following good cause.

5 The Defendants relied to their detriment on an officer/employee of Southern Bancorp in relation certain loans with Southern Bancorp. The subject officer/employee was instrumental in the preparation of loan documentation and the application of loan payments.

6. The subject officer/employee of Southern Bancorp no longer works at Southern Bancorp Bank and the Defendants are of information and belief the subject officer/employee was fired or released by Southern Bancorp Bank.

7. The Federal Bureau of Investigation (FBI) has contacted and met with Defendants about the subject officer/employee conduct while he was employed at Southern Bancorp Bank.

8. The Plaintiff Southern Bancorp Bank has refused the Defendants access to the Defendants' bank and loan accounts at Southern Bancorp Bank and refused to provide bank statements or transaction histories regarding certain loans.

9. The Defendants have been disadvantaged and need additional time to file answer and counterclaim. Good cause exists for the extension due to the fact the Southern Bancorp Bank has refused the Defendants access to bank statements and transaction histories regarding certain loans.

10. Eileen Shaffer, Attorney at Law, has filed an application with the Court to represent the Trustee J. Stephen Smith in relation to a potential claim against Southern Bancorp Bank. (docket number 75) The last day to file responses to the motion to approve representation is May 8, 2017. The Order approving representation has not been entered by the Court.

WHEREFORE PREMISES CONSIDERED, the Defendants respectfully request the Court to enter an Order Extending the time period to file answer and counterclaim and for such other and further and general relief that the Court deems just and proper.

RESPECTFULLY SUBMITTED, this the 19th day of April, 2017.

**/s/ John M. Sherman**  
John M. Sherman  
Attorney at Law  
Post Office Box 1900  
Clarksdale, MS 38614  
662-627-5301

CERTIFICATE OF SERVICE

I, John M. Sherman, Attorney at Law, do hereby certify that I have this day electronically filed the foregoing Motion to Extend Time and For Other Relief, with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

J. Stephen Smith  
Chapter 7 Trustee  
1855 Crane Ridge Drive, Suite D  
Jackson, MS 39216

U.S. Trustee's Office  
100 W. Capitol Street, Suite 1232  
Jackson, MS 39269  
USTPRegion05.AB.ECF@usdoj.gov

Sarah Beth Wilson  
Attorney for Plaintiff  
Post Office Box 6020  
Ridgeland, MS 39158  
sbwilson@cctb.com

Respectfully submitted, this the 19th day of April, 2017.

**/s/ John M. Sherman**  
John M. Sherman  
Attorney for Debtor  
P.O. Box 1900  
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